

IN THE MATTER OF	*	BEFORE THE STATE
CHRISTINA M. GETZ, PD	*	BOARD OF
RESPONDENT	*	PHARMACY
LICENSE NO.: 16709	*	CASE NUMBER: 13-048

* * * * *

PRE-CHARGE CONSENT ORDER

On March 20, 2013, pursuant to Md. State Govt. Code Ann. §10-226 (c) (2009 Repl. Vol.), the State Board of Pharmacy ("the Board") summarily suspended the license of Christina M. Getz, License Number: 16709 (the "Respondent"), to practice pharmacy, under Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 *et seq.* (2009 Repl. Vol.). On or about August 20, 2014, the Board agreed to resolve the Respondent's outstanding Order for Summary Suspension by entering into this pre-charge consent order with the Respondent. The Respondent violated the following provisions of the Act:

H. O. § 12- 313. Denials, reprimands, suspensions, and revocations- Grounds.

(b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

(22) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(25) Violates any rule or regulation adopted by the Board;

The Respondent also violated:

Code of Md. Regs tit. 10, §34.10

.01 Patient Safety and Welfare.

A. A pharmacist shall:

(1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited

(c) Health Occupations Article, Title 12, Annotated Code of Maryland.

(d) Criminal Law Article, Title 5, Annotated Code of Maryland, and

B. A pharmacist may not:

(3) Engage in unprofessional conduct.

FINDINGS OF FACT

The Board finds that

1. At all times relevant hereto, the Respondent was and is licensed to practice pharmacy in the State of Maryland. The Respondent was originally licensed to practice pharmacy in Maryland on or about July 28, 2003.

2. The Respondent's license expired on May 20, 2013.

3. At all times relevant hereto, the Respondent was employed as a pharmacist at Healthcare Facility A.¹

4. Healthcare Facility A is a provider of healthcare services located in Alleghany County, Maryland.

¹ The name and location of Healthcare Facility A has not been disclosed in order to protect the confidentiality of the involved entity. The name and location of Healthcare Facility is known to the Respondent.

5. On or about January 17, 2013, the Board was informed by the Director of Pharmacy Services at Healthcare Facility A that the Respondent had diverted controlled substances from Healthcare Facility A's pharmacy.

6. The Director of Pharmacy Services reported to the Board, that on or about January 11, 2013, the Respondent was caught in possession of approximately eighty (80) Oxycodone 15 mg tablets.

7. The Respondent did not have a prescription for the Oxycodone that was in her possession.

8. The Respondent admitted that she had diverted medication from Healthcare Facility A's pharmacy since November 2009.

9. An investigation by Healthcare Facility A revealed that since March 2012 the Respondent had diverted the following medications:

<u>NAME</u>	<u>QUANTITY</u>
Buprenorphine 8 mg	10 tablets
Oxycodone HCL 15mg	3965 tablets
Oxycodone HCL 5mg	553 tablets
Hydrocodone-APAP 5-500	140 tablets
Hydrocodone-APAP 10-325	1865 tablets
Hydrocodone-APAP 7.5-500	20 tablet
Morphine Sulfate 15 mg	20 tablets
Morphine Sulfate 30 mg	10 tablets
Alprazolam .05 mg	35 tablets
Zolipem Tartrate 10mg	40 tablets

Hydrocodone-Chlorpheniram Susp	50 ml
Chlordiazepoxide 25mg	25 capsules
Modafinil 200 mg	170 tablets
Percocet 5-325 mg	2135 tablets
Hydromorphone 2mg	1028 tablets

10. The Respondent diverted approximately forty-four hundred dollars (\$4,400) of medication from Health Facility A.

11. The Respondent states that she started her drug treatment therapy, and rehabilitation programs in January 2013. The Respondent voluntarily entered into a contract with Pharmacists' Education and Advocacy Council ("PEAC") for substance abuse treatment he Respondent maintains that she has successfully and continuously participated in individual and group therapy sessions. The Respondent further states that she is in compliance with the requirements of her PEAC contract.

12. On or about December 5, 2013, the Respondent pled guilty in the District Court of Maryland for Allegany County, to one (1) count of Possession of CDS not Marijuana, in violation of Md. Crim. Law art. § 5-601.

13. The Respondent received probation before judgment and was placed on probation for a period of thirty-six (36) months. The Respondent was also ordered to pay a fine and court costs.

14. The Respondent's conduct as described above is a violation of H.O. §§ 12-313(b) (22), (25), and Code of Md. Regs tit.10, §34.10.01 A (1) (c) and (d) and B (3).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated H.O. §§ 12-313(b) (22), (25), and Code of Md. Regs tit.10, §34.10.01 A (1) (c) and (d) and B (3).

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 9th day of April 2015, by a majority of the Board, hereby:

ORDERED that the Respondent's license to practice as a pharmacist shall be reinstated, if Respondent has met the licensure reinstatement requirements of Code of Md. Regs tit. 10, §34.13; and it is further

ORDERED that once the Respondent's license has been reinstated, the Respondent's license shall be placed on **PROBATION** for a period of five (5) years commencing January 2, 2015; and it is further

ORDERED that during the first two years of the probationary period, the Respondent shall only practice in a non-dispensing role. After the completion of two (2) years of probation, the Respondent may practice in a dispensing role. While in a dispensing role, the Respondent must comply with the following conditions: (1) the Respondent may not work at night, (2) the Respondent may not work more than forty (40) hours per week, and (3) the Respondent must ensure that her pharmacist supervisor submits quarterly progress reports to the Board; and it is further

ORDERED that during the probationary period the Respondent shall also (1) attend support group meetings at least two (2) times per week, (2) seek treatment with a mental health practitioner at least once monthly, (3) ensure that the Board receives

quarterly progress quarterly progress reports from the mental health practitioner, and (4) submit to random Board ordered urine screens at a CLIA certified laboratory on a monthly basis while practicing in a non-dispensing role, and on a weekly basis when practicing in a dispensing role; and it is further

ORDERED that the Respondent shall supply PEAC with a copy of this pre-charge consent order; and it is further

ORDEREDED that the Respodent shall continue to comply with her PEAC contract and sign a release so that the Board can obtain information regarding compliance with the PEAC contract; and it is further

ORDERED that after the Respondent has completed three (3) years of probation, the Respondent may file a written petition with the Board for modification of the terms of probation, provided the Respondent has been fully compliant with the terms and conditions set forth herein, and there are no outstanding complaints against the Respondent's license; and it is further

ORDERED that at the end of the Respondent's probationary period, the Respondent shall file a written petition with the Board for termination of the probationary status and the removal of any conditions or restrictions that resulted from this disciplinary action, provided that Respondent has fulfilled all the terms and conditions set forth herein, is not in violation of this Order, and there are no outstanding complaints against the Respondent; and it is further

ORDERED that if the Respondent fails to make any such petition, then the probationary period status shall continue indefinitely, subject to the conditions set forth in this Order; and it is further

ORDERED that if the Board determines that the terms or conditions of this Order have not been successfully completed, the Board may modify the terms and conditions of Respondent's probation, upon notice to the Respondent; and it is further

ORDERED that if the Respondent violates any of the terms of this Order, the Board, after notice and a hearing, and a determination of violation, may impose any other disciplinary sanctions it deems appropriate, said violation being proved by a preponderance of evidence; and it is further

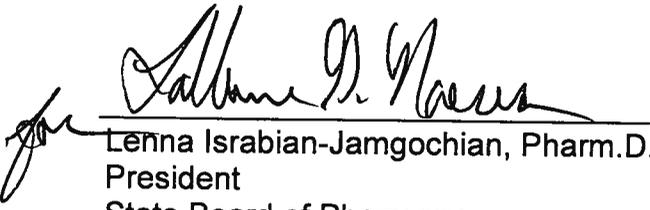
ORDERED that Respondent shall be responsible for all costs incurred under this Order; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. General Provisions §§ 4-101 *et seq.* (2014), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is final and a public document pursuant to Md. General Provisions §§ 4-104 *et seq.* (2014).

4/9/15
Date


Lenna Israbian-Jamgochian, Pharm.D.
President
State Board of Pharmacy

CONSENT Of Christina M. Getz, PD

I, Christina M. Getz, PD, by affixing my signature hereto, acknowledge that:

1. I am represented by Carolyn Jacobs, Esquire.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. II § 12-315 (Repl. Vol. 2014) and Md. State Govt. Code Ann. II §§ 10-201 *et seq.* (Repl. Vol. 20014).
3. I acknowledge the validity and enforceability of this Consent Order as if entered after a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. I am waiving those procedural and substantive protections.
4. I voluntarily enter into and consent to the foregoing findings of fact, conclusions of law, and order and agree to abide by the terms and conditions set forth in this Consent Order, as a resolution of the Board's case, based on the findings set forth herein.
5. I waive my right to contest the findings of fact and conclusions of law, and I waive my right to a full evidentiary hearing, and any right to appeal this Consent Order as set forth in Md. Health Occ. Code Ann. II § 12-316 (Rep. Vol. 2014) and Md. State Govt. Code Ann. II §§ 10-201 *et seq.* (Rep. Vol. 2014).
6. I acknowledge that by failing to abide by the terms and conditions set forth in this Consent Order, and, following proper procedures, I may be subject to disciplinary action.

7. I sign this consent order, without reservation, as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

4/2/15
Date

Christina M. Getz
Christina M. Getz

NOTARY

STATE OF MD

CITY/COUNTY OF Allegany

I hereby certify that on this 2nd day of April, 2015, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Christiana M. Getz, PD. and made oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Cheryl L. Walters
Notary Public

My Commission Expires: 5-4-2015